

§ 14.403

mariners remains, and any act amending or supplementing that title becomes, applicable to oceanographic research vessels.

§ 14.403 Exemptions.

(a) Certain requirements of Title 46, United States Code do not apply to the employment of merchant mariners on oceanographic research vessels. These requirements are those concerned with, among other things, the shipment and discharge of mariners, their pay and allotments, and the adequacy of their clothing. 46 U.S.C. 2113(2) allows exemptions of oceanographic research vessels from certain requirements of parts B, C, F, or G of subtitle II of 46 U.S.C., upon such terms as the Secretary of the Department of Transportation deems suitable. The exemptions available under this subpart are subject to the following terms:

(1) No use of any exemption relieves the owner, charterer, managing operator, master, or individual in charge of the vessel of other statutory responsibilities for the protection of every mariner under his or her command.

(2) If it is presented at a reasonable time and in a reasonable manner, the master or individual in charge shall receive, consider, and appropriately address the legitimate complaint of any mariner.

(b) For any oceanographic research vessel sailing with any mariner employed by any firm, association, corporation, or educational or governmental body or agency, the Commandant may grant exemptions from—

- (1) 46 U.S.C. 10301, Application;
- (2) 46 U.S.C. 10302, Shipping articles (for foreign and intercoastal voyages);
- (3) 46 U.S.C. 10307, Posting of articles;
- (4) 46 U.S.C. 10308, Foreign engagements;
- (5) 46 U.S.C. 10311, Certificates of discharge;
- (6) 46 U.S.C. 10313 and 10504, Wages;
- (7) 46 U.S.C. 10314 and 10505, Advances;
- (8) 46 U.S.C. 10315, Allotments;
- (9) 46 U.S.C. 10316 and 10506, Trusts;
- (10) 46 U.S.C. 10321 and 10508, General penalties;
- (11) 46 U.S.C. 10502, Shipping articles (for coastwise voyages); and

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(12) 46 U.S.C. 10509, Penalty for failure to begin coastwise voyages.

§ 14.405 Procedures.

(a) Upon written request for the owner, charterer, managing operator, master, or individual in charge of the vessel to the OCMI of the Coast Guard in whose zone the vessel is located, the Commandant may grant an exemption of any oceanographic research vessel designated by 46 U.S.C. 2113(2) from any requirement of any section listed by § 14.403(b).

(b) The request must state—

(1) Any requirement of any section listed in § 14.403(b) from which the applicant wishes an exemption; and

(2) What business practices regarding, among other things, the shipment and discharge of merchant mariners, their pay and allotments, and the adequacy of their clothing would justify the exemption.

(c) The OCMI will forward the request, along with his or her recommendation, to the Commandant, who will determine whether to grant any exemption of any vessel from any requirement. The OCMI will issue a letter indicating any exemption granted. The master or individual in charge of the vessel shall keep the letter aboard the vessel.

(d) If operating conditions change, the owner, charterer, managing operator, master, or individual in charge of the vessel shall so advise the OCMI. The OCMI will forward pertinent information on how the conditions have changed, along with his or her recommendation, to the Commandant, who will determine whether any exemption should remain granted.

§ 14.407 Reports.

(a) The owner, charterer, managing operator, master, or individual in charge of each oceanographic research vessel of 100 gross tons or more shall maintain a record of the employment, discharge, or termination of service of every merchant mariner in the crew. At least every 6 months, the person maintaining this record shall transmit it to the Coast Guard, either manually, in the form of a copy of a certificate of discharge, or electronically.

(b) The owner, charterer, managing operator, master, or individual in charge of the vessel shall keep original shipping articles and a copy of each certificate ready for review by the Coast Guard or the concerned mariner upon request. After January 3, 1997, the Coast Guard will no longer keep either original articles or copies of certificates; it will keep only electronic records of employment.

(c) The master or individual in charge of the vessel shall ensure that every entry made in the articles agrees with the corresponding entry made in a continuous discharge book, on a certificate, or in any other proof of sea service furnished to the mariner.

(d) Each oceanographic company shall keep all original articles and copies of all certificates for 3 years. After that each such company shall send all articles to the address in §14.103(a).

(e) Each oceanographic company that goes out of business or merges with another company shall send all original articles to the address in §14.103(a) within 30 days of the transaction.

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